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Social and human rights questions:
narcotic drugs

Honorariums payable to members of the International Narcotics Control Board

Note by the Secretariat

1. The President of the International Narcotics Control Board raised the question of honorariums payable to members of the International Narcotics Control Board in a letter dated 16 January 2003 addressed to the President of the Economic and Social Council (see annex I). The President of the Board had written similar letters to the President of the Council on 31 July and 6 December 2002. The President of the Council responded to the President of the Board in a letter dated 24 January 2003 (see annex II).

2. In those letters, a request was made to the Council to consider the issue of adequate remuneration to be paid to members of the International Narcotics Control Board and to seek a Council decision that would request legal opinion of the Office of Legal Affairs on the matter.

3. The letters by the President of the International Narcotics Control Board draw attention to the fact that the General Assembly, having considered a note by the Secretariat on a comprehensive study of the questions of honorariums payable to members of organs and subsidiary organs of the United Nations (A/56/311), adopted resolution 56/272 of 27 March 2002, by which it decided to set at a level of one United States dollar per year all honorariums currently payable on an exceptional basis to the members of the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child.

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* Reissued for technical reasons.

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4. In his above-mentioned letter, the President of the International Narcotics Control Board further stated that "it is the view of the Board that its members are entitled to the payment of remuneration and not honorarium. It is also the view of the Board that the payment of US$ 1.00 per year cannot be considered as 'adequate remuneration' within the meaning of the expression in paragraph 6 of article 10 of the Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, and in particular, when the General Assembly in 1967 and 1981 decided on payments to be made to members of the Board. Any determination by the General Assembly concerning the amount of remuneration will have to satisfy the norm of adequacy, which is a specific requirement of the Convention. The Economic and Social Council may wish to seek the legal opinion of the Office of Legal Affairs as to the appropriateness of US$ 1.00 per year being adequate remuneration".

5. Given that the members of the Board are elected by the Economic and Social Council and the reports of the Board are presented annually through the Commission on Narcotic Drugs, the Council sought a legal opinion from the Office of Legal Affairs on this matter and received a response on 25 March 2003 regarding the remuneration to be paid to members of the International Narcotics Control Board, which was made available to the Council (see annex III). In that letter, the Office of Legal Affairs stated that it was of the view that "the reduction to one dollar per year of remuneration payable to members of the INCB may be viewed as not corresponding to the legislative intent of the relevant provision of the 1961 Convention". However, it went on to say that the picture was more complex than that, owing to the way in which the General Assembly had dealt with the matter in the past, and that reducing the honorarium to one dollar per year did not affect the "token" character of the honorarium and thus corresponded to the practice which evolved in the General Assembly over the years. The Office of Legal Affairs also pointed out that "at the time of the creation of the various bodies, he [*the Secretary-General*] had not been involved in developing those decisions nor was he advised of the rationale for the payment of honorariums. The role of the Secretary-General in the process was limited to keeping the rates of honorariums under review and reporting thereon to the General Assembly when, in his judgement, their revision might be warranted". For those reasons, the Office of Legal Affairs stated that it was difficult to provide a more definitive opinion on the subject matter requested.

6. The President of the Council, in a letter dated 2 April 2003 addressed to the President of the International Narcotics Control Board, communicated the opinion of the Office of Legal Affairs and stated that he would bring the matter to the attention of the Council (see annex IV). In another letter, also dated 2 April 2003, addressed to the members of the Council, the President informed the members that the issue would be discussed at a future meeting of the Council so that it could consider what actions, if any, were appropriate in addressing the concerns expressed by the President of the Board (see annex V).

7. The President of the International Narcotics Control Board responded to the letter of the President on 17 April 2003 (see annex VI). The Economic and Social Council was informed of that reply on 1 May 2003 at its resumed session.

8. In light of the above, the Council may wish to consider requesting the General Assembly to review this matter.

Annex I

LETTER DATED 16 JANUARY 2003 FROM THE PRESIDENT OF THE INTERNATIONAL NARCOTICS CONTROL BOARD ADDRESSED TO THE PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL

I have the honour to congratulate you on your election as President of the Economic and Social Council for 2003-2004.

Reference is made to my letters dated 31 July and 6 December 2002 to your predecessor on the question of honoraria payable to members of the International Narcotics Control Board, copies of which are attached for ease of reference. No replies to these letters have yet been received.

As you know, the members of the Board are elected by the Economic and Social Council and the reports of the Board are presented annually through the Commission on Narcotic Drugs to the Council. Allow me therefore to raise the following points, which refer to decisions taken by the General Assembly on the issue of honoraria.

The members of the International Narcotics Control Board are aware of the "Note by the Secretariat" issued as document A/56/311 and are of the opinion that the "Note by the Secretariat" addressed the issue of "honorariums" and not "remuneration". Members of the Board are of the opinion and rightly so that there is a difference between "honorariums" and "remuneration" and therefore further believe that the General Assembly resolution 56/272 of 22 March 2002 was adopted in error.

The International Narcotics Control Board is an organ created by the Single Convention on Narcotic Drugs, 1961, of the United Nations. In accordance with this Convention, members of the Board act in their personal capacity and are excluded from Government and other functions which might impair their independence, impartiality and disinterestedness. It was perhaps in recognition of their exclusion from such functions and the onerous responsibilities entrusted to them under the Convention, that paragraph 6 of article 10 of the Single Convention provides that "members of the Board shall receive an adequate remuneration as determined by the General Assembly". This requirement of the 1961 Convention was complied with in the General Assembly resolution 2365 (XXII) of 19 December 1967.

In that resolution the Assembly specified the amount that the President, Vice-Presidents and the other members should be paid, and the time at which the amount should be paid. However, in deciding on the payment of remuneration, the General Assembly chose to refer to the payment as "honorarium" rather than "remuneration" as provided for in the Single Convention on Narcotic Drugs. The amount paid to members of the Board was revised upwards for the first time on 17 December 1980, by General Assembly resolution 35/218 to:

(a) US$ 5,000 for the President;
(b) US$ 4,000 for the First Vice-President;
(c) US$ 3,500 for the Second Vice-President; and
(d) US$ 3,000 for the other members, per year.

The recent report from the Secretary-General A/53/643 recommended a 25 per cent increase in these payments; the recommended increase reflected the long period it had taken to discuss an increase in payment of remuneration by the General Assembly. It is unfortunate that the General Assembly in resolution 56/272 of 27 March 2002 ignored the recommendation of the Secretary-General and reduced the remuneration to members of the Board to US$ 1.00 per year.

During recent years that has been a several fold increase in the functions and responsibilities of the Board after the coming into force of the Convention on Psychotropic Substances, 1971, and the United Nations Convention Against Illicit Traffic on Narcotic Drugs and Psychotropic Substances, 1988, and several resolutions of the Economic and Social Council involving expansion of the Board's activities.

Board members are required to spend a few months each year on Board-related activities. Board members perform their functions outside the period of meetings, through country missions as well as correspondence and communications with the Secretariat of the Board in Vienna and with other members of the Board, without asking for additional remuneration. The Board's activities may be adversely affected if the remuneration to members of the Board is stopped or trivialized as has been done through resolution 56/272.

It is the view of the Board that its members are entitled to the payment of remuneration and not honorarium. It is also the view of the Board that the payment of US$ 1.00 per year cannot be considered as "adequate remuneration" within the meaning of the expression in paragraph 6 of article 10 of the Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, and in particular, when the General Assembly in 1967 and 1981 decided on payments to be made to members of the Board. Any determination by the General Assembly concerning the amount of remuneration will have to satisfy the norm of adequacy which is a specific requirement of the Convention. The Council may wish to seek the legal opinion of the Office of Legal Affairs as to the appropriateness of US$ 1.00 per year being adequate remuneration.

I would be grateful for any consideration the Economic and Social Council could give to the issue of adequate remuneration to be paid to members of the International Narcotics Control Board. The present decision of the General Assembly sends out a wrong signal apart from it being in breach of the provisions of the Single Convention on Narcotic Drugs, which provides for payment of "adequate remuneration" to the members of the Board. The General Assembly should not be seen to be in violation of the Convention, that it should uphold, at all times.

Board members are also convinced that it is inappropriate and irregular to reduce their remuneration halfway into their tenure as members of the Board, when they were nominated and elected on the understanding that they would be paid adequate remuneration.

(*Signed*): Philip O. **Emafo**
President
International Narcotics Control Board

Annex II

LETTER DATED 24 JANUARY 2003 FROM THE PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL ADDRESSED TO THE PRESIDENT OF THE INTERNATIONAL NARCOTICS CONTROL BOARD

This will acknowledge receipt of your letter of 16 January, regarding the question of honorariums payable to members of the International Narcotics Control Board. I have had an opportunity to discuss the previous correspondence with Ambassador Simonovic, the outgoing President of ECOSOC, as well as the persons in the Secretariat who have been dealing with this matter. While all concerned appear to be sympathetic to the problem, up to now we have been unable to obtain a legal opinion of the Office of Legal Affairs which could be the eventual basis for, in effect, asking the General Assembly to amend its decision taken through resolution 56/272.

The Bureau plans to discuss this matter in the near future, to search for the best course of action to address the problem that you raised. I will revert to you once we have had an opportunity to discuss it.

(*Signed*): Gert **Rosenthal**
President of the
Economic and Social Council

Annex III

LETTER DATED 25 MARCH 2003 FROM THE UNDER-SECRETARY-GENERAL FOR LEGAL AFFAIRS ADDRESSED TO THE PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL

I refer to your letter to me of 14 February 2003, whereby you, in your capacity as President of the Economic and Social Council, requested a legal opinion as to "the appropriateness of the amount of US$ 1.00 per year being adequate remuneration to be paid to members of the International Narcotics Control Board (INCB)".

While your request refers to a background information note of 29 January 2003 attached to your letter, the history and various aspects of this matter with regard to both the INCB and other organs are set out in greater details in the report of the Secretary-General entitled "Comprehensive study of the question of honorariums payable to members of organs and subsidiary organs of the United Nations" (A/53/643 of 5 November 1998, hereafter - "the 1998 report"). In that report, the Secretary-General recommended that the honorariums paid to the members of the organs involved, including the INCB, which had not been revised since 1981, be increased by 25 per cent. That recommended was reiterated in the note by the Secretariat (A/56/311 of 21 August 2001). However, by resolution 56/272 of 27 March 2002, the General Assembly decided to "set at a level of one United States dollar per year all honorariums currently payable on an exceptional basis to the members" of all relevant organs, including the INCB.

The question, which should be considered in connection with your request, is essentially whether the General Assembly has exercised its authority appropriately when it decided to set at a level of one United States dollar per year honorariums payable to the members of INCB.

As stated in paragraph 1 of the 1998 report, "the basic principle governing the payment of honorariums enunciated by the General Assembly in its resolution 2489 (XXIII) of 21 December 1968 and reaffirmed in its resolutions 3536 (XXX) of 17 December 1975 and 35/218 of 17 December 1980 was that neither a fee nor any other remuneration in addition to subsistence allowances at the standard rate would normally be paid to members of organs or subsidiary organs unless expressly decided upon by the General Assembly". The Assembly has over the years approved the payment of honorariums "in exceptional cases" to members of such organs. In the opinion of the Secretary-General, "the criteria and authority for the payment of honorariums to members of organs and subsidiary organs rests solely with the legislative authority of the General Assembly" (the 1998 report, paras. 58 and 61).

As to specific amounts paid to members of various bodies, the 1998 report stated that "the Assembly had approved payment of honorariums to acknowledge **in a token manner** an evidently substantial sacrifice of time or financial interest on the part of their members rather than to attempt to compensate them adequately for their services". (Ibid., para. 11, emphasis added.)

The 1961 Single Convention on Narcotic Drugs (hereafter - "the 1961 Convention") stipulates, in relevant parts, as follows:

> "Members of the Board shall be persons who, by their competence, impartiality and disinterestedness, will command general confidence. During their term of office they shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions." (art. 9, para. 2.)
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> "The members of the Board shall receive an adequate remuneration as determined by the General Assembly." (art. 10, para. 6.)

The basic rule of interpretation of international treaties is set out in paragraph 1 of article 31 of the 1969 Vienna Convention on the Law of Treaties, as follows:

> "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose."

As far as the 1961 Convention is concerned, its article 10 clearly states that the amount payable to the INCB members shall be "determined by the General Assembly". However, the same article specifies that the General Assembly is required to determine not just an abstract amount, but rather "an adequate remuneration" payable to the INCB members.

It is pertinent to recall that the term "remuneration" is defined as "payment, compensation".[a] The term "honorarium" is defined as follows: "1. A payment of money or anything of value to a person for services rendered for which fees cannot legally be or are not traditionally paid ... 2. A voluntary reward for that for which no remuneration could be collected by law; a voluntary donation in consideration of services that admit of no compensation in money."[b] Thus, while in relevant debate in, and documentation submitted to, the General Assembly, a term "honorarium" is traditionally used, there is an obvious difference in the legal meanings of the two terms involved.

The drafters of the 1961 Convention have qualified "remuneration" with the term "adequate". The definition of this term per se[c] does not provide a precise legal guidance for the purposes of this review. However, especially in view of article 10, it appears that the intention of the drafters of the 1961 Convention was that the INCB members should be entitled to receive more than just a symbolic sum of one United States dollar annually.

Furthermore, as indicated above, article 9 of the 1961 Convention requires that members of the INCB, during their term of office, must not hold "any position or engage in any activity"

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[a] Black's Law Dictionary, Seventh Edition, 1999, p. 1298.

[b] Ibid., p. 741.

[c] The accepted legal definition of "adequate" is "legally sufficient". (Black's Law Dictionary, Seventh Edition, 1999, p. 40.)

which would be incompatible with their status. It appears that the provision on adequate remuneration might be relevant to the above requirement. It may be argued that, in the view of the drafters, "adequate remuneration" envisaged in article 10 is intended to compensate, at least partially, the loss of income resulting from restrictions established in article 9 of the 1961 Convention.

In this respect, it is worth recalling that the President of the INCB indicated back in 1975 that an "adequate remuneration" pursuant to article 10 of the Convention is one that "compensates the loss of income resulting either from the incompatibilities established under article 9 of the 1961 Convention for INCB members or for the time they have to devote to the performance of their functions ..." (A/C.5/31/2 of 15 June 1976). I also note that, as reflected in the above-mentioned attachment to your letter, the President and the members of the INCB consider that "any determination by the General Assembly concerning the amount of remuneration will have to satisfy the norm of adequacy, which is a specific requirement of the [1961] Convention".

In the light of the foregoing, it is my view that the reduction to one dollar per year of remuneration payable to members of the INCB may be viewed as not corresponding to the legislative intent of the relevant provision of the 1961 Convention.

However, the picture is more complex than that, due to the way in which the General Assembly has dealt with the matter in the past. As indicated in the 1998 report, the position of the General Assembly over the years has been that it approves payment of honorariums, on an exceptional basis, to acknowledge "in a token manner" a sacrifice of time or financial interest on the part of the members of organs involved rather than to attempt to compensate them adequately for their services. From this perspective, reducing an honorarium to one dollar per year does not affect the "token" character of the honorarium and, thus, corresponds to the practice, which evolved in the General Assembly over the years.

Furthermore, in the 1998 report (A/53/643, paras. 11 and 12), the Secretary-General recalled that, in his report to the General Assembly at its forty-seventh session, he had stated that, "at the time of the creation of the various bodies, he had not been involved in developing those decisions nor was he advised of the rationale for the payment of honorariums. The role of the Secretary-General in the process was limited to keeping the rates of honorariums under review and reporting thereon to the General Assembly when, in his judgement, their revision might be warranted" (para. 12). For the same reasons, it is difficult for the Office of Legal Affairs to provide a more definitive opinion on the subject matter of your request.

Finally, this legal opinion does not concern other organs mentioned in the 1998 report.

(*Signed*): Hans **Corell**
Under-Secretary-General for
Legal Affairs
Legal Counsel

Annex IV

LETTER DATED 2 APRIL 2003 FROM THE PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL ADDRESSED TO THE PRESIDENT OF THE INTERNATIONAL NARCOTICS CONTROL BOARD

Your letters to the former President of the Economic and Social Council and to myself raise the question of honorariums payable to the members of INCB. In your letters of 31 July and 6 December 2002 and 16 January 2003, a request had been made for the Council to consider the issue of adequate remuneration to be paid to members of the INCB and to seek a Council decision that would request legal opinion of the Office of Legal Affairs on this matter.

Your letters drew attention to the fact that the General Assembly, having considered a note by the Secretariat entitled "Comprehensive study of the questions of honorariums payable to members of organs and subsidiary organs of the United Nations" (A/56/311), adopted resolution 56/272 on 2 March 2002, by which it decided to set at a level of US$ 1.00 per year all honorariums currently payable on an exceptional basis to the members of the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child.

In your letter, you stated that "it is the view of the Board that its members are entitled to the payment of remuneration and not honorarium. It is also the view of the Board that the payment of US$ 1.00 per year cannot be considered as 'adequate remuneration' within the meaning of the expression in paragraph 6 of article 10 of the Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, and in particular, when the General Assembly in 1967 and 1981 decided on payment to be made to members of the Board. Any determination by the General Assembly concerning the amount of remuneration will have to satisfy the norm of adequacy, which is a specific requirement of the Convention. The Economic and Social Council may wish to seek the legal opinion of the Office of Legal Affairs as to the appropriateness of US$ 1.00 per year being adequate remuneration".

Given that the members of the Board are elected by the Economic and Social Council and the reports of the Board are presented annually through the Commission on Narcotic Drugs, the Council decided to seek a legal opinion from the Office of Legal Affairs, and I sent a letter to Mr. Hans Corell, Under-Secretary-General for Legal Affairs on 14 February 2003, and received a response from him.

Please find attached the copy of a letter received from Mr. Hans Corell, Under-Secretary-General for Legal Affairs, the Legal Counsel, dated 25 March 2003, regarding the "Remuneration to be paid to members of the International Narcotics Control Board (INCB)".

I intend to bring this matter to the attention of the Economic and Social Council at a future meeting, in order to consider what actions, if any, are appropriate to address your concerns.

(*Signed*): Gert **Rosenthal**
President of the Economic
and Social Council

Annex V

LETTER DATED 2 APRIL 2003 FROM THE PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL ADDRESSED TO THE MEMBERS OF THE COUNCIL

The President of the International Control Board (INCB) had written letters to the President of the Economic and Social Council on 31 July and 6 December 2002, and on 16 January 2003 raising the question of honorariums payable to the members of INCB.

In these letters, a request has been made for the Council to consider the issue of adequate remuneration to be paid to members of the INCB and to seek a Council decision that would request legal opinion of the Office of Legal Affairs on this matter.

The letters by the President of INCB draw attention to the fact that the General Assembly, having considered a note by the Secretariat entitled "Comprehensive study of the questions of honorariums payable to members of organs and subsidiary organs of the United Nations" (A/56/311), adopted resolution 56/272 on 2 March 2002, by which it decided to set at a level of US$ 1 .00 per year all honorariums currently payable on an exceptional basis to the members of the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child.

In his letter, the President of INCB has further stated that "it is the view of the Board that its members are entitled to the payment of remuneration and not honorarium. It is also the view of the Board that the payment of US$ 1 .00 per year cannot be considered as 'adequate remuneration' within the meaning of the expression in paragraph 6 of article 10 of the Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, and in particular, when the General Assembly in 1967 and 1981 decided on payment to be made to members of the Board. Any determination by the General Assembly concerning the amount of remuneration will have to satisfy the norm of adequacy, which is a specific requirement of the Convention. The Economic and Social Council may wish to seek the legal opinion of the Office of Legal Affairs as to the appropriateness of US$ 1.00 per year being adequate remuneration".

Given that the members of the Board are elected by the Economic and Social Council and the reports of the Board are presented annually through the Commission on Narcotic Drugs, the Council decided to seek a legal opinion from the Office of Legal Affairs, and I sent a letter to Hans Corell, Under-Secretary-General for Legal Affairs, on 14 February 2003, and received a response from him.

Please find attached the copy of a letter received from Mr. Hans Corell, Under-Secretary-General for Legal Affairs. The Legal Counsel, dated 25 March 2003, regarding the "Remuneration to be paid to members of the International Narcotics Control Board (INCB)".

I intend to bring this matter to the attention of the Council at a future meeting, in order to consider what actions, if any, are appropriate to address the concerns expressed by the President of the INCB.

(*Signed*): Gert **Rosenthal**
President of the Economic
and Social Council

Annex VI

LETTER DATED 17 APRIL 2003 FROM THE PRESIDENT OF THE INTERNATIONAL NARCOTICS CONTROL BOARD ADDRESSED TO THE PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL

First of all, let me thank you most sincerely for arranging our presentation of the Board's activities to members of the Economic and Social Council and other members of the General Assembly. I do hope we were able to show the participants some of the work of the Board. The Board will appreciate more of this type of interaction with the Council so that the INCB is in a position to give an account of its stewardship directly to its supervisory body in a more relaxed environment.

Since my arrival in Vienna, we have been preparing for the session of the Commission on Narcotic Drugs and its Ministerial Segment. Both meetings are now coming to an end and so I am able to send a reply to your letter of 2 April 2003 and the attached legal opinion of the Office of Legal Affairs on the question of remuneration of members of the Board.

On behalf of INCB, I thank you for your letter of 2 April 2003 and the enclosed copy of the letter you received from Mr. Hans Corell, Under-Secretary-General for Legal Affairs, the Legal Counsel, dated 25 March 2003, regarding the "Remuneration to be paid to members of the International Narcotics Control Board (INCB)".

I have noted the detailed background and analysis given by Mr. Hans Corell in his aforesaid letter leading to his legal opinion as to "the appropriateness of the amount of US$ 1.00 per year being adequate remuneration to be paid to members of the INCB". For ease of reference, I am reproducing below three sentences from his letter by which the Legal Counsel has clarified the position in this regard:

Regarding the difference between "honorarium" and "remuneration", the Legal Counsel states "Thus while in relevant debate in, and documentation submitted to the General Assembly, a term 'honorarium' is traditionally used, there is an obvious difference in the legal meanings of the two terms involved".

He also states that "However, especially in view of article 10, it appears that the intention of the drafters of the 1961 Convention was that the INCB members should be entitled to receive more than just a symbolic sum of one US dollar annually". He further states that "In the light of the foregoing, it is my view that the reduction to one dollar per year of remuneration payable to members of the INCB may be viewed as not corresponding to the legislative intent of the relevant provision of the 1961 Convention".

The above views of the Legal Counsel are in consonance with the views expressed by the INCB through my letters of 31 July and 6 December 2002 and 16 January 2003.

In this connection, the latter observation of the Legal Counsel that the picture is more complex, on account of the practice which has evolved in the General Assembly of treating all payments to members of various organs, including INCB, as honorariums to acknowledge "in a token manner" the members' sacrifice of time or financial interest appears not valid with respect to members of the INCB.

The language of paragraph 6 of article 10 of the 1961 Convention is precise and categorical and does not leave room for any ambiguity. Furthermore, article 10 has to be read in the light of article 9 of the 1961 Convention, and in this regard the Legal Counsel has rightly stated "It may be argued that, in the view of the drafters 'adequate remuneration' envisaged in article 10 is intended to compensate, at least partially, the loss of income resulting from restrictions established in article 9 of the 1961 Convention ...".

While it is of course the General Assembly that decides the specific amount of remuneration to be paid, the Board is of the view that the General Assembly is under the obligation to satisfy the norm of "adequacy" when determining the amount of remuneration payable to the members of INCB.

It would thus be clear that the decision of the General Assembly to reduce the remuneration of INCB members to the level of one United States dollar per year is inappropriate and violates the provision of paragraph 6, article 10 of the 1961 Convention.

The Board believes that it would not be the intention of the General Assembly to violate the provision of paragraph 6, article 10 of the 1961 Convention and so looks forward to the General Assembly being in compliance with the aforementioned provision. Past practice could not justify a decision which militates against not only the intent, but the letter of a specific provision of the Convention.

In view of the above, I would, on behalf of the INCB, request you to kindly take up the matter appropriately. I understand from your letter that you will bring this matter to the attention of the Economic and Social Council at a future meeting and look forward to whatever actions the Council will take in addressing the Board's concerns.

(*Signed*): Philip O. **Emafo**
President
International Narcotics Control Board